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July 15, 2016

VIA ECF

Hon. Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

**Re: *Kriss, et al. v. Bayrock Group LLC et al.*,
10 Civ. 3959 (LJS) (FM)**

Dear Judge Schofield,

We are counsel to Felix Sater (“Mr. Sater”), a defendant in the above-captioned case, and write pursuant to the Court’s Endorsement dated June 21, 2016. (ECF No. 411). We have conferred with non-party Frederick Oberlander (“Mr. Oberlander”) regarding his proposed redactions to the Original Complaint (the “OC,” ECF No. 406), and there has been no agreement. We respectfully request that the Court deny the relief sought by Mr. Oberlander’s procedurally-defective and deceptively-framed “Reply” memorandum.

Mr. Oberlander has no motion presently pending before the Court. On May 31, 2016 after all unsealing motions had been submitted and briefed, the Court issued its decision and Order unsealing the OC and, *inter alia*, “Ordered that the Clerk of Court **close** the motions at Docket Nos. 392 and 393.” (ECF No. 394). The motions at Docket Nos. 392 and 393 were, of course, motions filed by Oberlander **before** the Court’s decision. He neither represents, nor is himself, a party to this action. Mr. Oberlander’s latest submission is yet his latest backhanded attempt to re-hash issues already fully briefed and decided.

Indeed, on May 31, 2016, the Court, in considering leave to file sanctions against him, recognized Mr. Oberlander’s history of attempting to protract this litigation, including:

“repeated defiance of court orders with the effect of prolonging the proceedings, [] inevitable motions to reconsider every order [and] efforts to reargue issues already decided.” 5/31/2016 Tr. at 26:14-17.

The Court further noted that Mr. Oberlander’s

“desires seem to be, at least in the three cases before me, to foment litigation with the attendant burden on all litigants and the Court without any apparent desire to reach the merits.” Id. at 25:22-24.



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Mr. Oberlander's latest submission, a "Reply" memorandum accompanied by yet another color-coded labyrinth, is entirely and obviously without precedent. The Court has unsealed the OC and approved the redactions proposed in Mr. Sater's June 13, 2016 letter. *See* ECF No. 401.

There is no motion pending before the Court, other than Defendants' Motion to Dismiss, which no longer concerns Mr. Oberlander. Respectfully, by its prior Order, the Court has made its findings. We should not be prisoners to and further prejudiced by Mr. Oberlander's "inevitable motions to reconsider every order [and] efforts to reargue issues already decided" simply because he regrettably has e-filing capabilities and "limitless resources and energy." *Id.* at 26:10. The relief requested in the "Reply" should be denied.

Thank you for the Court's consideration.

Respectfully,

/S/_____
Robert S. Wolf